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GENERAL ASSEMBLY
Forty-fifth session
Agenda items 12, 35 and 153
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL
THE SITUATION IN THE MIDDLE EAST
IRAQI AGGRESSION AND THE CONTINUED OCCUPATION OF KUWAIT IN FLAGRANT VIOLATION OF THE CHARTER OF THE UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Letter dated 4 April 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to enclose the text, in French and English, of the statement on the situation in Iraq issued by the European Community and its 12 member States on 2 April 1991 (see annex).

I should be grateful if you would have the text of this letter and of its annex circulated as a document of the General Assembly, under agenda items 12, 35 and 153, and of the Security Council.

(Signed) Jean FEYDER
Ambassador
Permanent Representative

READEX FICHE

ANNEX

Statement on the situation in Iraq, issued by the European Community on 2 April 1991

The Community and its member States are very deeply concerned at the situation of the civilian population in Iraq, notably the Kurds and the Shiites.

They firmly condemn the brutal repression being imposed upon these population groups, bringing about a flow of refugees towards the neighbouring countries.

They call upon the Iraqi authorities to put an end without delay to this repression, which has already, in the past, severely afflicted the Kurdish people. Only the path of dialogue with all the parties concerned will allow the shaping of a renewed Iraq, united and respectful of the legitimate aspirations of the population groups of which the country is made up.

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IRAQI AGGRESSION AND THE CONTINUED OCCUPATION OF KUWAIT IN FLAGRANT VIOLATION OF THE CHARTER OF THE UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Letter dated 4 April 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

On instructions from my Government, and in an attempt to assess the damages inflicted on the oil industry in Kuwait, I should like to inform you of the following preliminary assessment of damages to the oil wells:

Out of the 1,080 producing wells in Kuwait, nearly 700 have been badly damaged.

One of the problems is the large-scale danger of mines, unexploded bombs and boobytraps.

With regard to specific fields, out of the 703 wells of the greater Burgan area fields, 365 are on fire. The Burgan area is very dangerous in terms of having unexploded mines and bombs. In the Menagish field, there are 22 wells that are gushing with oil, but not burning. Again, the Menagish area is difficult to access because of the bombs and mines, but the real danger here is that the fields are emitting H2S gas in a very high concentration. To emphasize, 400 ppm is considered lethal but, in some areas, the concentration has been tested for as high as 20,000 ppm. There is a fear that, depending on the weather, there may be a development of large pockets of H2S in the air. Additionally, as water seeps into the field, more H2S is being produced.

In the Magwa field, the number of total wells burning is not yet identified, but there is a large oil spill of eight acres in size coming out from four wells, which is likely to close the main Ahmadi to Magwa road. There is a concern that this oil seepage might catch fire.

Among the potential long-term damages to the wells are the serious water cuts in many of the wells. It is felt that, in six months, most of the wells would face water seepage. As an example, whereas the Burgan crude used to contain a maximum of 2 per cent of water, in some of the flank wells what was gushing out was 100 per cent water and, in other wells, water was coming through faster than oil. Additionally, there would be pressure loss in the reservoirs leading to a build-up of the deposits, which could close or kill some wells. The possibility of severe corrosion at the well tubing is a cause for concern as well.

As indicated, the above is a preliminary list of damages to the oil wells. As to the other sectors of the oil industry, the Kuwaiti Government is in the process of finalizing the assessment of the full extent of the damages to the refineries, tankage farms, loading terminals, pipelines and oil-gathering centres.

I should appreciate it if you would arrange for the text of the present letter to be circulated as an official document of the General Assembly, under agenda item 153, and of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

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Forty-fifth session
Agenda item 117

REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

Letter dated 8 April 1991 from the Permanent Representative of Ghana to the United Nations addressed to the President of the General Assembly

I have the honour to present herewith the formal position paper of the Group of 77, entitled "Restructuring and revitalization of the United Nations in the economic and social fields", for the resumed forty-fifth session of the General Assembly (29 April-3 May 1991), as called for by the Assembly in its resolution 45/177 of 19 December 1990 (see annex).

In order to facilitate consultations prior to the resumed session, we would appreciate the circulation of the present letter and its annex as an official document of the General Assembly under agenda item 117.

In this connection, we would request the convening of informal consultations on the basis of this paper as soon as possible.

(Signed) Ambassador Kofi Nyidevu AWOONOR
Permanent Representative of
Ghana to the United Nations
Chairman of the Group of 77
New York

ANNEX

Formal position paper of the Group of 77, entitled "Restructuring and revitalization of the United Nations in the economic and social fields", issued in New York on 8 April 1991

Overall objective

1. The overall objective of the restructuring and revitalization of the United Nations in the economic and social fields is defined in resolution 45/177 adopted by the General Assembly on 19 December 1990. In paragraph 3 of the resolution the Assembly "stresses the need for more effective and efficient functioning of the intergovernmental machinery of the United Nations system in the economic, social and related fields in order to be more responsive to the needs of enhancing international economic cooperation and promoting the development of the developing countries".

2. The above objective needs to be addressed through a concerted, deliberate and continuing process of restructuring and revitalization of the United Nations in the economic and social fields. It would, therefore, be appropriate to define clearly the specific targets for the resumed session of the General Assembly in April this year.

3. In this context, the principal aim of the United Nations activities in the economic and social sectors is the revitalization of economic growth and development of developing countries. Greater attention needs to be given to the economic, social and humanitarian problems in these countries through sustained development, strength and stability in the world economy, sound macroeconomic management and a decisive strengthening of international development cooperation, bearing in mind the relevant resolutions adopted by the General Assembly, including resolution S-18/3, containing the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the developing countries and resolution 45/199 containing the International Development Strategy for the Fourth United Nations Development Decade.

Basic principles

4. The deliberations and decisions of the restructuring process, including those of the resumed session, should be predicated on the following principles in order to ensure a successful outcome:

(a) Restructuring is essentially an intergovernmental responsibility and needs to be pursued in this context.

(b) The present restructuring exercise should be confined to the parameters set forth in General Assembly resolution 45/177. Other efforts in this direction which touch upon the economic and social sectors of the United

Nations need to be defined in the light of and adjusted to the mandate of resolution 45/177.

(c) Political will is an essential prerequisite for enhancing international cooperation. The socio-economic goals of the United Nations will remain unachievable in the absence of the requisite political will.

(d) The current restructuring and revitalization process should not attempt to redefine the objectives or to alter the priorities of the United Nations in the economic, social and related fields as set forth in the relevant resolutions of the General Assembly.

(e) The restructuring and revitalization of the United Nations in the economic and social fields should aim at achieving greater complementarity between the Economic and Social Council and other bodies and organs of the United Nations with the General Assembly, while ensuring the latter's position as the supreme organ of the United Nations.

(f) Restructuring and revitalization should enhance the democratic norm, which underpins the decision-making process of the United Nations.

(g) Transparency and openness need to be preserved and strengthened in the functioning of the United Nations system in the economic and social fields.

(h) Restructuring and revitalization should be cost neutral.

(i) The ongoing process of revitalization of the Economic and Social Council, on the basis of all its relevant resolutions, remains valid.

(j) The necessity for an enlargement of the membership of the Economic and Social Council, taking into account the principle of equitable geographical representation and the aspiration of each Member State of the United Nations to be a member of the Economic and Social Council, should be recognized.

(k) A more efficient and effective Economic and Social Council would determine the nature of the restructuring and revitalization of the subsidiary intergovernmental machinery.

Goals for the resumed forty-fifth session of the General Assembly

5. The reconvened session needs to be seen as a step in the process of restructuring and revitalization. The session should focus on the basic principles of the process and on the role and functioning of the Economic and Social Council in order to enable it to discharge the responsibilities entrusted to it by the Charter of the United Nations by enhancing its role as the central forum for major social and economic issues and policies and its coordinating functions relating to the United Nations system in the economic, social and related fields; by improving its effectiveness and efficiency in the consideration of and action on the reports of its subsidiary bodies; by

ensuring greater complementarity with the work of the General Assembly; by avoiding duplication with the General Assembly; and by following an integrated approach to policy and programme aspects of the economic and social issues.

Proposals for the restructuring and revitalization of the Economic and Social Council

6. In order to achieve the goals enumerated above, the Group of 77 makes the following proposals:

(a) The continued implementation of Economic and Social Council resolutions 1988/77 and 1989/114, as appropriate.

(b) An organizational session of five days' duration to be held in February/March to determine the annual agenda of the Council and related organizational issues, taking into account the relevant provisions of resolutions 1988/77 and 1989/114, particularly on the multi-year work programme and the rationalization and simplification of its agenda. Elections and appointments to take place during the organizational session.

(c) One substantive session not to exceed five or six weeks to take place at the United Nations Headquarters in New York in June/July.

(d) The session to be broadly organized, sequentially, along the following lines:

Plenary

(i) A one-week high-level segment open to all Member States, with ministerial participation, devoted to the consideration of one major economic and one major social policy theme to be determined in accordance with the Economic and Social Council biennial work programme at the organizational session; adequate secretariat preparation, including, in particular, one comprehensive background document for each theme; debate to follow an integrated and interdisciplinary approach; heads of the relevant organizations, agencies and other organs to participate actively.

The deliberations of the high-level segment would provide political impetus for building areas of convergence and facilitating the emergence of new recommendations on the issues in question in the relevant forums.

The main features of the deliberations of the high-level segment would be presented to the Council in the form of a summary by the President, which would be incorporated in its final report.

(ii) Segment devoted to the coordination of the specialized agencies, organs and organizations of the United Nations system to be attended by their heads on themes previously agreed upon at the organizational session, specifically for this segment. A specific portion of the segment to be devoted to discussion and dialogue with the heads of multilateral financial and trade institutions.

(iii) Segment devoted to operational activities of the United Nations system focusing, in particular, on follow-up of policy recommendations and decisions of the General Assembly and coordination of operational activities on a system-wide basis. The triennial review would continue to be undertaken by the General Assembly.

Committee segment

(iv) Consideration of specific economic and social issues, including their programme implications, in two separate committees meeting simultaneously to consider and take decisions on the reports of the subsidiary bodies and other relevant reports; discussions to be decision-oriented focusing on the specific recommendations and issues; review and appraisal of the implementation of the decisions of the General Assembly in the economic and social fields; reports of the committees to be submitted to the plenary for approval.

(v) Adoption of the final report.

(e) In order to avoid duplication of debate, the General Assembly may decide to request that certain reports from subsidiary bodies of the Economic and Social Council be submitted directly to the Assembly for consideration and decision.

(f) Readjustment of the current membership of the Economic and Social Council in order to ensure equitable geographical representation.

(g) The above proposals will come into effect in 1992. As part of the restructuring and revitalization process, the implementation of these proposals will be reviewed at the forty-ninth session of the General Assembly with a view to enhancing the impact and effectiveness of the restructuring and revitalization of the Economic and Social Council.

Issues to be addressed in the future

Subsidiary intergovernmental machinery of the Economic and Social Council

7. In pursuance of principle (b), the following criteria, inter alia, would be followed in addressing the issue of the restructuring and revitalization of the subsidiary machinery of the Economic and Social Council in the future:

(a) Ensuring that programme delivery of a subsidiary body meets the needs of Member States and that it is consistent with the goals and priorities of the United Nations in the economic and social fields.

(b) Application of the same general principles and criteria for enhancing the effectiveness and efficiency of the subsidiary machinery of the Economic and Social Council.

(c) Avoidance of subsuming highly technical functions of subsidiary bodies and expert groups into the Economic and Social Council.

(d) Ensuring that recommendations of expert bodies on specific issues form an input into and not a substitute for the consideration and decisions by intergovernmental bodies on these issues.

(e) The Economic and Social Council on an agreed schedule, would review the task being performed by its subsidiary bodies and present its recommendations to the General Assembly suggesting concrete measures for the avoidance of duplication amongst these bodies.

Secretariat

The Secretariat structure to be reviewed in the light of the outcome of the restructuring process.

Membership of the Economic and Social Council

The process of the restructuring and revitalization of the Economic and Social Council shall include a review of its size with a view to enlarging the membership, keeping in mind the principle of equitable geographical representation and the desirability of ensuring more effective and broader participation in the deliberations of the Council.

8. The principles and proposals elaborated above are to be seen in conjunction with the positions that have been adopted by the Group of 77 and are intended to facilitate the process of restructuring and revitalization of the United Nations in the economc and social fields.

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QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-sixth year

Letter dated 9 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 8 April 1991 addressed to you by His Excellency Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Mustafa AKŞIN
Ambassador
Permanent Representative

ANNEX

Letter dated 8 April 1991 from Mr. Osman Ertuğ to the Secretary-General

I have the honour to enclose herewith notes containing excerpts from the book entitled Cyprus: My Deposition (vol. III) by Mr. Glafkos Clerides (see appendix), the prominent Greek Cypriot politician and leader of the Greek Cypriot political party DISI, highlighting the root causes of the Cyprus question.

Mr. Clerides's first-hand account of the course of events as someone who has been involved in the Greek Cypriot campaign to unite Cyprus with Greece from the beginning is a belated yet revealing testimony to many fundamental points that the Turkish Cypriot side has tried to get across all along: that the ultimate aim of the Greek Cypriot side in deliberately destroying the constitutional partnership State and in trying to suppress the Turkish Cypriots by force of arms during this period was to annex the island to Greece (Enosis) and to relegate the Turkish Cypriots to a mere minority in a "Greek Cyprus".

The book also underscores the uncompromising attitude of the Greek Cypriot side throughout the early negotiating phase between 1968-1974 and Archbishop Makarios's rejection of any agreement that would close the door to Enosis. It is significant to note that the same attitude still prevails today, blocking all efforts to reach a negotiated settlement based on the equal political status and participation of the two peoples within a bi-zonal federal settlement in accordance with Security Council resolution 649 (1990).

I should be grateful if the present letter and its appendix were circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Osman ERTUĞ
Representative of the
Turkish Republic of Northern Cyprus

APPENDIX

Notes on the Cyprus issue, with extracts from the book entitled Cyprus: My Deposition (vol. III), by Glafkos Clerides

Partnership status - political equality

Greece had reached a broad agreement with Turkey on the solution of the Cyprus problem based on an independent, bi-communal, unitary state, in which the two communities would enjoy a partnership status (as in the 1960 constitution) and Enosis and partition would be barred by constitution and treaty provisions. Makarios, who opposed such a solution, was an obstacle ...

"The first force was the military Government of Greece, which had reached a broad agreement with Turkey on the solution of the Cyprus problem, based on an independent bicommunal unitary state, in which the two communities would enjoy a partnership status, and Enosis and Partition would be barred by constitutional and treaty provisions. Makarios, who opposed such a solution, was an obstacle and had to be removed from the office of President of the Republic. The other force was Grivas, his supporters and certain Greek colonels, who, though they supported the military Government of Greece, disagreed with its policy regarding the Cyprus problem and supported the policy declared by Grivas, i.e., self-determination, Enosis, which was not considered by Makarios a feasible solution." (p. 271)

"(b) The Greek Cypriots by the term unitary state meant control by the Greek Cypriot majority of all the organs of the state in which all political decisions were taken for the Government of the island. In other words, the Greek Cypriot objective was to establish and secure the political and economic control of the island for the Greek Cypriot majority.

"(c) The Turkish objective was to maintain the Turkish Cypriot community as a separate entity with separate rights in the independent state of Cyprus." (p. 276)

"Furthermore, had a federal solution been accepted, Cyprus would not be a Greek Cypriot island with a Turkish minority enjoying minority rights, but a federal state consisting of two cantons, one Greek Cypriot and the other Turkish Cypriot, which would have equal rights within the federal structure regarding the powers and functions of their respective separate administrations." (p. 296)

"Statement by Mr. Rauf R. Denktash at the Inaugural Session of the broadened Intercommunal Talks on 8 June 1972

"The area in which Cyprus is located is highly sensitive; the inseparable ties of the two communities with their respective motherlands are too strong to be denied; the fact that whatever happens between the two communities is inevitably reflected in Ankara and Athens cannot be disregarded. We, therefore, as the two national communities in Cyprus; the co-founders of the independence and sovereignty of Cyprus; the partners in the administrative set up of the Cyprus State have a duty not only to our respective communities and to Cyprus as a whole, but also an international duty of maintaining the peace in this delicate area in the knowledge that, by so doing, we help our respective motherlands to normalize their political relations. Cyprus should be (and can be) made a bridge of Greco-Turkish friendship and co-operation. Our role to this end can be most significant.

"We want peace and justice in the light of established rights and political status.

"We need full security of life and property.

"We want our independence (of which we are the co-founders) to be satisfactorily guaranteed against those who may wish to destroy it in the future." (p. 188)

"Report on the meeting between the President of the House of Representatives, Mr. Glafkos Clerides and the Ambassador of West Germany, Mr. Török

"Answering my question of what was the nature of the solution of the Cyprus problem that Greece and Turkey had agreed on, Mr. Török said he had no further information apart from that he had given me in the past and that he continues to believe that the Greco-Turkish Agreement is based on the principle of recognizing a guaranteed independence, as provided by the Zurich Agreements, partnership of the two communities and recognition of separate local government administration." (pp. 141 and 142)

"The Presidency of the Turkish Communal Chamber, Nicosia, 9 August 1971, No: 104171

"... For us, the retention of this balance which gave the Cyprus State its Cypriot character by providing for the co-operation in partnership of the two ethnic communities is, and has always been, very important, because without this balance the Cyprus State becomes, not a Cypriot State as it should be, but a Greek Cypriot State with the door wide open to Enosis (union of Cyprus with Greece)

"... In addition, we feel that if we do not establish such a system of inter-communal balance the outcome of our concessions will be the establishment of a Greek Cypriot Republic and not a Cypriot Republic of inter-communal partnership, which was the sole objective of our talks." (pp. 108 and 109)

"Just as the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot state, with a protected Turkish Cypriot minority, the Turkish preoccupation was to defeat any such effort and to maintain the partnership concept which, in their opinion, the Zurich Agreement created between the two communities. The conflict, therefore, was a conflict of principle and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise.

"The same principle is still in conflict, even today, though a federal solution has been accepted - and though a federation is nothing more than a constitutional partnership of the component states, provinces or cantons which make up the federation." (p. 105)

"Generally speaking all the advice given in the Greek Note was sound. It did not derogate from the concept of a unitary state, it did not contain any notions of concealed federalism, and my evaluation was that it would have led to a solution of the constitutional issue, but of course it would not have reduced the Turkish community to the status of a minority. It would, however, have produced the amendments of all those provisions which Makarios declared in 1963 as unworkable and for which he had proposed amendments. 'Mother's' good advice, however, was not followed. The inexperienced Greek Cypriot leadership not only rejected, without much difficulty, the more mature advice of the 'mother', but also accused her of having conspired with Turkey, behind the 'daughter's' back, to sell her down the river." (p. 76)

"Instead of that the Turkish side appears to return to the principle of the bicommunal character of the Cyprus state, as it was founded by the Zurich Agreements, but accepts deep amendments in order to make the constitution workable, in exchange for satisfactory entrenchment of communal rights. These communal rights consist basically in the powers of Article 87 of the Zurich Constitution and in securing autonomy in local administration, which would permit the survival and development of the Turkish community. The Turkish demands, examined in their totality, are a long way from the powers and functions of a federal state.

"Thus, in as much as Turkish policy today supports the solution of a bicommunal state at the talks, it approaches Greek policy of a unitary state with bicommunal participation. The remaining differences are not in the ration of the participation of each community in the functions of the state, which is accepted to be the ration of the population, but in the appearance of the state. The tendency of Turkish policy is to move away as little as possible from the status of 'partnership' established by the Zurich Agreements, and to insist on the presentation of the

Turkish community as equal partners with the Greek, by preserving certain provisions of the Zurich Constitution, not of substance, but of symbolic character." (p. 239)

"The aim of the Greek Cypriot Constitutional policy in the talks was a moderate modification of the Plaza plan, which provided limited participation of the Turks in the organs of the independent state of Cyprus, always on a minority basis. This policy also did not succeed, because the Turkish side, though more flexible, remained unretreating on the issue of accepting a minority status for the Turkish Cypriots." (p. 237)

"(a) Creation and development of the constitutional problem.

"The constitutional crisis of the year 1963 disrupted the constitutional order, the continuity, and the partnership status of the two communities, which was created by the Zurich Agreements.

"Because of the disruption of constitutional order, a peculiar situation was created, by virtue of which the state authority, on the one hand, became under the absolute control of the Greeks, and though the Government was recognized internationally, yet internally Turkish enclaves were created within the territory of the Republic in which at first, an elementary organization for the purpose of governing the Turkish Cypriots was established, the main characteristic of which was the confusion of military and political powers and functions, and the prevailing of military power.

"After the crisis of 1967 (Kophinou Crisis), the above disruption of constitutional order became more clear and showed tendencies of permanency. Thus in December 1967, the elementary military-political organization of the Turks in the enclaves developed into a 'Temporary Administration' on the basis of a character, and at the same time the political and military authorities were separated.

"In the years that followed, a steady, stage by stage development is noted in the Turkish Administration, with the separation in its legislative, executive and judicial powers. An administrative organization is created, as well as police force and an army. The increase of the financial resources of the Turkish Cypriots through economic aid from Turkey permitted the functioning of their administration on a more permanent basis, a fact which they made clear, by remaining their 'Temporary Turkish Cypriot Administration' to 'Turkish Cypriot Administration'. Thus there exist today in Cyprus two poles of power on a separate geographical basis, i.e. the Government of the Cyprus Republic, controlling the largest section of the territory of the state and internationally recognized, and the Turkish Cypriot Administration, which controls a very limited area and is not internationally recognized, but has already taken almost all the characteristics of a small state.

"From the above the conclusion can be drawn that our top priority and target must be the dissolution of the Turkish enclaves for the sake of securing the unity of the island." (pp. 236-237)

"The Turks, forced by the crisis events, followed a policy of self-segregation and a proportion of them withdrew to several enclaves scattered within the territory of the Republic, where they set up their own organization outside the provisions of the constitution. The Greeks, on their part, ignoring the constitutional limitations, took over the entire machinery of the state, the function of which, in view of the societal needs, had to continue.

"This crisis lingered on at the stage of a protracted confrontation with sporadic incidents of violence varying in magnitude and significance. Communication between the two communities was reduced to a minimum, and this, combined with crisis language, rekindled mutual fears and suspicions." (p. 220)

Why no solution

"It is a fact of history, which cannot be denied, that the uncompromising attitude of Makarios on the issue of local government prevented a solution of the Cyprus problem in December 1972.

"The uncompromising attitude of Makarios persisted despite the fact that the Turkish Cypriot side had accepted all the 13 points proposed by him for constitutional amendments in 1963, and even went beyond them. Makarios would not yield further on the issue of local government despite the fact that the Turkish Cypriot side had (a) abandoned its demand for the grouping of villages in order to form separate Greek Cypriot and Turkish Cypriot areas of local government; (b) accepted that the House of Representatives would enact legislation on local government matters, and the Communal Chambers would only enact regulations on the basis and within the limits of laws enacted by the House of Representatives; (c) accepted that administrative control would be exercised on behalf of the Government by a civil servant and a final agreement had been reached on the powers and functions to be exercised by the local government authorities.

"Makarios's fatal decision to refuse to authorize me to proceed to reach agreement on the above lines, a decision he took against the advice of the Greek Government, that of the Representative of the Secretary-General, Mr. Osorio Tafall, and my own advice, resulted in the increase of tension between himself and the Greek Government. At the same time, it strengthened the view in the United States Government and in certain Western Governments, which was carefully and systematically cultivated by Turkey, that Makarios was not interested in reaching an agreed solution to the Cyprus problem, but was aiming at neutralizing the

resistance of the Turkish community through economic pressure, in order to impose on it the solution he had in mind." (pp. 204-206)

"The decision of Makarios of 12 December 1972 not to compromise, after the concessions the Turkish side had made, sealed his fate and that of Cyprus. The die was cast and the worst followed." (p. 206)

"(c) Agreed amendments to make the constitution more workable were possible. The Turkish side would accept to give up some of the constitutional rights it derived from the Zurich Agreements in return for the Greek side accepting separate autonomy of the communities in local government. The adjustment of communal rights must preserve the partnership principle of the two communities and the unitary character of the Republic.

"Makarios, however, was an obstacle in proceeding to achieve a solution on the above lines. Despite pressure for the Greek Government, which included threats to take 'harsh' measures against him, he continued to oppose autonomy in local government. Further, he insisted that those rights which created the partnership principle of the two communities should be abolished." (p. 126)

Makarios on Enosis

In his letter dated 4 May 1972 Makarios wrote to Grivas:

"We defend ourselves and refuse to accept a solution which will fetter our national future. Enosis is a purpose of life and a compass for national orientation. Enosis, however, is not achievable if in the first instance, the danger of an undesirable solution is not made distant or removed. I would not hesitate to change the policy according to your proposal if the Greek Government agreed. It is possible that it will be said that there were instances of disagreement with the Greek Government regarding the policy to be followed and the handling of the Cyprus problem. A disagreement with the Greek Government is possible on any other proposed policy, except Enosis. A struggle for Enosis without the participation of Greece would possibly lead to unpleasant results. On the policy of direct Enosis we must walk side by side with Greece." (p. 148)

"(6) The Greek Cypriots are part of the Greek nation. This must not be forgotten as it must not be forgotten that the national centre is and remains Athens." (p. 128)

"I returned to Cyprus and reported to Makarios on my talks in Athens. I asked Makarios if, after the assurances given by Papadopoulos, he would agree for Article 185 of the 1960 Constitution, which prohibited both Enosis and Partition, to be incorporated in the new Constitution. He raised his arms, which were resting on his desk and said: 'You see,

Glafkos, these hands, they can cut them off, but I will not sign again any Constitution excluding Enosis.'" (p. 270)

Article 185 of the 1960 Constitution reads:

1. The territory of the Republic is one and indivisible.

2. The integral or partial union of Cyprus with any other State or the separatist independence is excluded.

But Makarios "would not consent to have Article 185 incorporated into the new Constitution, without a prior agreement between Greece and Turkey refusing to accept either Enosis or partition". (p. 270)

Extracts from the answers Archbishop Makarios gave to questions put to him by the correspondent of the Athens newspaper Acropolis:

"I cannot say that I am nationally satisfied with the development and course of the Cyprus question so far. I would be nationally satisfied, and so would all Greeks, only if the Cyprus problem were solved through union of Cyprus with Greece. However, I do not think that the prospects of the immediate future are leading to this direction ... I would not disagree with Grivas, if, firmly adhering to Enosis, he rejected any other solution of the Cyprus question. I am not in disagreement with the national target he is aiming at. I disagree with the manner and methods he is using which, I believe, place the target at a greater distance ..."

Asked whether he would be prepared to renounce Enosis for good and hold a referendum with the object of excluding Enosis, Archbishop Makarios stated:

"Enosis, regardless of whether it can be realized or not, will always be the national aspiration of the Greek Cypriots and a spiritual creed which cannot be renounced either through a referendum or in any other way." (p. 266)

No law and order - no effective Government - no State

"In fairness it must be stated that the internal political conflict had developed to such a bitter extent that persons opposing Makarios, as well as their sons and daughters, even though not actively engaged in illegal activities against the Government, were excluded from the Civil Service, the Educational Service, the semi-Government organizations and the Police. If they did hold posts in any of these services their promotion and transfers suffered. In fact they were discriminated against for their political views. The only outlet for persons opposing Makarios or for their sons was to secure an officer's commission in the National Guard." (p. 316)

"Equally the rifles with which the National Guard was equipped were bolt-action, of the World War I era, the anti-aircraft weapons were totally obsolete and the same applied to the anti-tank weapons. The refusal of the Government to equip the National Guard properly was based on the evaluation that the Government faced a more imminent danger from the National Guard than from the Turks, particularly since the intercommunal talks were continuing, progress was being made towards a solution, and Turkey was not likely to attempt an invasion during the continuation of the talks." (p. 319)

"He was sworn in as President at 3 p.m. on 15 July, but of course not in accordance with the constitutional provision, which provided that the elected president appears, within a fixed time of his election, before the House of Representatives and gives the affirmation of adherence to the Constitution and the laws of the state. Constitutionally, Mr. Sampson does not exist as a president of the Republic of Cyprus. He was neither elected, nor did he take office as provided by the Constitution, which stipulates that the term of office of President runs from the time he makes the prescribed affirmation before the House." (p. 341)

"Masked armed men appeared threatening supporters of Makarios and others threatening those who supported Grivas. The police was both unwilling and unable to maintain law and order as understood and practised in civilized democratic societies." (p. 274)

"The edition of 6 February 1973 of the Turkish Cypriot 'Special News Bulletin', which was published in English, contained an interview Rauf Denktash had given to '<u>Bozkurt</u>' (a Turkish daily) the previous week:

"... This is perhaps the most interesting part in Mr. Vassiliades' statement ... He agrees that Makarios, too, has the same formula and view. This is important because it reveals once again the leading actor and the theme of the tragedy which has been enacted since 1960.

"Q: Mr. Vassiliades says that there is no State, that it has broken up.

"A: It is correct that the State has broken up as a result of the 1963 onslaught. Instead of the constitutional State composed of Turkish and Greek wings, now there are the de facto Turkish and Greek Cypriot administrations.

"The Enosis formula of Mr. Vassiliades, is the formula applied by Makarios in 1968, and this is the outcome. But they are still of the same mind.

"Q: According to Mr. Vassiliades, Cyprus is once again passing through a period which prevailed prior to 16 August 1960. Do you share this view?

"A: Yes, but there are a few differences. The Turkish community sitting at the negotiating table today has a status entrenched in international agreements, and a nine year old glorious struggle of resistance. In 1960, Turkey's rights and prerogatives over Cyprus were unknown, today these are known. In 1960 what Turkey could do to protect our rights, lives and honour was an unknown factor interpreted in favour of the Greeks. Today their real value is clear. In the 1960 period, there was a world which believed that the rights and powers demanded by us were excessive; now, there is a world which has seen and realized what has befallen us even with these rights and powers. In 1960 there was a conviction that the Greeks did not want enosis; whereas now there is no one who is not conversant with the acrobatics of the Greek Cypriots' 'Enosis-Independence' policy." (pp. 257 and 258)

"Unfortunately, it is one of the failings of the Greek race that when there is violent internal conflict and strife, immense hatred is generated and directed by the warring sides against each other, of such an extent that all outside dangers threatening the nation are forgotten, ignored or lost sight of. Anger and hatred cloud or totally prevent all logical thinking.

"Makarios proceeded with his accusations against the Greek government regarding the Greek intervention in Cyprus, its effect on constitutional order, on the independence of Cyprus, and on the safety of the Turkish community." (p. 350)

"No" to federalism: why?

"Finally the idea of a separate Turkish Cypriot administration created the picture in the mind of the Greek Cypriots, that not only the Government of Cyprus, i.e. Makarios, had failed to reduce the excessive rights granted by the Zurich and London Agreements to the Turkish minority, but that they were forced to increase them. Furthermore, had a federal solution been accepted, Cyprus would not be a Greek Cypriot island with a Turkish minority enjoying minority rights, but a federal state consisting of two cantons, one Greek Cypriot and the other Turkish Cypriot, which would have equal rights within the federal structure regarding the powers and functions of their respective administrations." (p. 296)

"Mr. Kyprianou stated: 'I wish again to call on the Greek Cypriot people to be calmly on alert in order to prevent a nationally unacceptable solution. By this I mean either concealed or unconcealed

federation, or condominium, double Enosis, or partition or a return to the Zurich Agreements' ..." (p. 367)

Turks "yes" to federalism

"The visit of Mr. Denktash after the formation of the new government has been very useful for us. We had the opportunity to get information from him on every aspect of the Cyprus problem. The Turkish government will exert every effort to secure a peaceful and lasting solution to the problem within the framework of an independent and federal state. On this issue there is no reason for people of goodwill to have any suspicion about our intentions." (p. 295)

Turkish position - Greek position

"(b) The Greek Cypriots by the term unitary state meant control by the Greek Cypriot majority of all the organs of the state in which all political decisions were taken for the Government of the island. In other words, the Greek Cypriot objective was to establish and secure the political and economic control of the island for the Greek Cypriot majority.

"(c) The Turkish objective was to maintain the Turkish Cypriot Community as a separate entity with separate rights in the independent state of Cyprus." (p. 276)

"The Turkish side had made clear its position from the start, both direct to Athens and at the talks, that a solution could only be arrived at, if at the end, Enosis and Partition were barred by constitutional and treaty provisions." (p. 264)

"(c) Turkey would insist, once a solution was found, on the reaffirmation, both by constitutional provisions and by treaty articles, on the exclusion of Enosis and Partition." (p. 248)

"Any objective analyst would have to admit that the Greek side gave the Turkish side all the excuses it needed in order to demand iron-cast guarantees against Enosis. He would also have to admit that Turkey exhibited every willingness to accept the same guarantees against Partition. Since, however, the official policy of the Governments of Greece and Cyprus was that both accepted an independent Cyprus and wished to make its Constitution more workable, the refusal by the Governments of Greece and Cyprus to reaffirm the provisions of the Zurich-London Agreements regarding Enosis and Partition, and the intra-Greek Cypriot violent conflict regarding the demand for immediate enosis, placed the Turkish side in an advantageous position both at the negotiating table, and outside, particularly with regard to international credibility." (p. 214)

"The Turkish Foreign Minister, Mr. Gunesh, made a statement after Grivas' death regarding the policy of his Government on the Cyprus problem. The two main points of that statement were that the question of barring Enosis had not been satisfactorily resolved, because even after the death of Grivas, the cause of Enosis had not been abandoned, clearly implying that more effective external and internal guarantees were needed and that internal autonomy should reach the level of federation." (p. 367)

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GENERAL ASSEMBLY
Forty-fifth session

SECURITY COUNCIL
Forty-sixth year

NOTE VERBALE DATED 9 APRIL 1991 FROM THE SECRETARY-GENERAL TO THE PERMANENT REPRESENTATIVES OF MEMBERS STATES

The Secretary-General has the honour to transmit herewith letters dated 5 April 1991 from the representatives of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to the United Nations (see annexes I to IV).

ANNEX I

Letter dated 5 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the Secretary-General

I have the honour to refer to my predecessor's letter of 16 June 1973 addressed to the Secretary-General (S/10952) transmitting the text of a declaration of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, issued on 9 November 1972, and to inform you that, with the entry into force on 15 March 1991 of the Treaty on the Final Settlement with respect to Germany, the rights and responsibilities of the Four Powers relating to Berlin and to Germany as a whole are terminated.

As a result, the corresponding, related quadripartite agreements, decisions and practices are terminated and all related Four Power institutions are dissolved.

I have the honour to request that the present letter be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Jean-Marc ROCHEREAU DE LA SABLIERE
Chargé d'affaires a.i.

ANNEX II

Letter dated 5 April 1991 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General

I have the honour to refer to my predecessor's letter of 26 June 1973 addressed to the Secretary-General (S/10953) transmitting the text of the declaration of the Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, issued on 9 November 1972, and to inform you that, with the entry into force on 15 March 1991 of the Treaty on the Final Settlement with respect to Germany, the rights and responsibilities of the Four Powers relating to Berlin and to Germany as a whole are terminated. As a result, the corresponding related quadripartite agreements, decisions and practices are terminated and all related Four Power institutions are dissolved.

I have the honour to request that the present letter be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Y. VORONTSOV

ANNEX III

Letter dated 5 April 1991 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to refer to my predecessor's letter of 16 June 1973 addressed to the Secretary-General (S/10954) transmitting the text of a declaration of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, issued on 9 November 1972, and to inform you that, with the entry into force on 15 March 1991 of the Treaty on the Final Settlement with respect to Germany, the rights and responsibilities of the Four Powers relating to Berlin and to Germany as a whole are terminated. As a result, the corresponding related quadripartite agreements, decisions and practices are terminated and all related Four Power institutions are dissolved.

I have the honour to request that the present letter be circulated as an official document of the General Assembly and of the Security Council.

(Signed) D. H. A. HANNAY

ANNEX IV

Letter dated 5 April 1991 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to refer to my predecessor's letter of 16 June 1973 addressed to the Secretary-General (S/10955) transmitting the text of a declaration of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, issued on 9 November 1972, and to inform you that, with the entry into force on 15 March 1991 of the Treaty on the Final Settlement with respect to Germany, the rights and responsibilities of the Four Powers relating to Berlin and to Germany as a whole are terminated. As a result, the corresponding related quadripartite agreements, decisions and practices are terminated and all related Four Power institutions are dissolved.

I have the honour to request that the present letter be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Thomas R. PICKERING

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Agenda item 28
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE
AND SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 9 April 1991 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General

I have the honour to enclose the Initiative for Total Peace in Guatemala issued yesterday by the President of the Republic, His Excellency Jorge Serrano Elías. This Initiative presents the position of the Government of Guatemala regarding the process of national reconciliation, and reiterates its interest in continuing to be able to count on the valuable presence of the Observer designated by you.

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Francisco VILLAGRAN DE LEON
Ambassador
Permanent Representative

ANNEX

Initiative for Total Peace in Guatemala issued in Guatemala on 8 April 1991 by the President of Guatemala

Under the terms of the Constitution, the Government of the Republic is required to establish conditions which will guarantee to all Guatemalans, without discrimination in any form, life, liberty, justice, security, peace and the all-round development of the individual.

In this context, the Government will continue its efforts to search for peace in the spirit of the Esquipulas Agreements and in conformity with the Oslo Agreement, the terms of which it recognizes and fully respects.

In addition, the Government is mindful of the final declarations of the meetings held at El Escorial, Ottawa, Quito, Metepec and Atlixco, at which the various social sectors in the country, including the insurgent movement, voiced the national consensus regarding the need to find a political solution to the armed struggle and simultaneously to promote, within the framework of law, actions conducive to the further improvement of Guatemalan democracy.

Lastly, the process of democratization taking place in the country has opened up opportunities for free political participation by all sectors, with no marginalization, and accordingly the use of violence is now unjustified as a means of influencing decisions of State.

The content of the peace

We aspire to a total and lasting peace, which means not merely a cease-fire, but in addition laying the foundations for the reconciliation and harmonious coexistence of the Guatemalan family, based on the following fundamental postulates:

First: Termination of the armed struggle

An end needs to be put to the armed struggle which has devastated the country for more than 30 years, leaving in its wake poverty, death, orphanhood, widowhood, grief, suffering and insecurity among all sectors of the Guatemalan people.

To attain this end, the insurgent action must be completely ended as a result of serious negotiations which will lead to the drawing up of timetables, programmes and procedures that will make it possible to ensure that the fronts and mechanisms of subversion are dismantled so that the counterinsurgency operations can be discontinued.

Parallel with this, efforts will be made to ensure that the conditions prevail which will enable all Guatemalans, specifically including those fellow citizens who were involved in subversive activities, to enjoy fully the rights embodied in the Political Constitution of the Republic and to guarantee the populations uprooted by the violence and the security required for their reintegration into social and political life within the framework of law.

Second: Greater economic and social equity

The need is recognized to expand and strengthen the programmes the Government of the Republic is conducting in order to overcome the conditions of extreme poverty and destitution in which large sectors of our population are living, support the modernization of our economy and provide solutions to the urgent problems of communication, education, health and social welfare and security.

With the ending of the armed struggle, the Government of the Republic will be able to devote more resources to dealing with the serious imbalances prevailing in the country, which give rise to serious social tensions and whose solution is a necessary corollary of the economic and social rights of all human beings, a condition for genuine democracy and a guarantee of the preservation of peace.

Total peace cannot exist without social peace, and for this to be attained the State needs to strengthen the underpinnings of the common welfare.

Third: Respect for and strengthening of the rule of law

The rule of law requires that all inhabitants of the country should align their conduct with the law. The State needs to strengthen the juridical system in order to achieve greater levels of security for individuals and their property, and of respect for human rights.

Total peace can be perpetuated and strengthened only if there exists a genuine regime of law in which the legislation applies fully and equally to all.

Fourth: Intensification of the democratic process

Despite the undeniable progress achieved in the establishment of democracy as a political system and a mode of social coexistence, there is nevertheless a need to intensify still further the action to improve it by strengthening democratic institutions and free, informed and organized participation by the entire population in the ongoing decision-making process through administrative decentralization, strengthening of local authorities and revival of Mayan cultural values.

PROCEDURES FOR ACHIEVING PEACE

First: Definition of the terms of the "total peace" agreement

In line with the spirit and the letter of the Oslo Agreement, it is proposed that meetings should be held as early as possible, and at the latest by 20 April 1991, for the purpose of defining and drawing up solutions that will lead to the preparation of the total peace agreements.

For these meetings to be successful, an atmosphere of privacy and discretion is called for in the discussions at this stage so as to ensure a mature, serious and flexible approach which is not exposed to sectarian pressures or to public confrontation alien to the highest national interests, which might impair the good will of those participating in the process of the search for peace. Nevertheless, by common accord, public opinion will be kept informed of the progress made.

For such meetings, the Government insists on being able to count on the invaluable services of the National Reconciliation Commission and the Conciliator, Monsignor Rodolfo Quezada Toruño, and on the valuable presence of the Observer designated by the Secretary-General of the United Nations, Dr. Francesc Vendrell.

Second: Meeting for the signature of the "total peace" agreements

On the satisfactory conclusion of the negotiating process that will lead to the preparation of the final total peace agreements, these will be signed at Oslo, on the kind invitation of the Government of Norway, or at any other place mutually agreed upon.

As Constitutional President of the Republic, I place on record my desire to be present on that historic occasion.

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Forty-fifth session
Agenda item 34

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 10 April 1991 from the Permanent Representative of Lesotho to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you that the Government of Lesotho has agreed that Radio Lesotho should resume broadcasting programmes provided by the United Nations anti-apartheid radio to the extent that relations between Lesotho and South Africa are not unnecessarily harmed.

The decision is a sequel to the specific recommendations included in section VII, paragraph 30 (b), of your report dated 13 March 1990, entitled "A study of existing and potential interest in broadcasting United Nations anti-apartheid radio programmes and the extent to which audiences in selected urban centres in South Africa listen to them" (A/45/162).

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 34.

(Signed) M. P. PHOOFOLO
Ambassador,
Permanent Representative

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